

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
March 3, 2014  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Stephen A. Jennings  
Council Member Teresa R. Macaluso  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
James Burrows, City Attorney

**City staff present:** Jim Mills, Ken Mix, Kurt Hauk, Brian Phelps, Amie Davis, Amy Pastuf, Erin Gardner, Barbara Wheeler, Chief Herman, Gene Hayes

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Agreement for Flat Fee Use of Athletic Fields, Pop Warner Football League
- Resolution No. 2 - Accepting Bid for Dental and Vision Services, Relph Benefit Advisors
- Resolution No. 3 - Authorizing Supplemental Agreement No. 2 to Standard Federal Aid Highway And Marchiselli Aid Project Agreement, Factory Street Reconstruction, PIN 775315; D032467, Right-of-Way Incidentals and Acquisitions
- Resolution No. 4 - Authorizing Supplemental Agreement No. 2 to Professional Services Agreement for Design of the Factory Street Project, PIN 7753.15, AECOM
- Ordinance No. 1 - Ordinance Amending the Ordinance Dated September 6, 2011, as Amended November 21, 2011, January 21, 2013 and July 1, 2013 Authorizing the Issuance of \$975,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,200,000
- Public Hearing - CDBG Citizen Participation Plan – Public Comment
- Flower Memorial Library Masonry Restoration and Fountain Construction Project
- Retirement of Deputy Clerk Elyse Frezzo
- Hockey Franchise Rights
- Sales Tax Revenue – January 2014
- Letter from President Carole A. McCoy at Jefferson Community College
- Executive Session - The proposed acquisition, sale or lease of real property when publicity would affect the value thereof and the employment history of a particular individual.

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of February 18, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

## **PROCLAMATION**

Mayor Graham interrupted the regular course of business to proclaim March 2014 as American Red Cross Month. He encouraged everyone to discover their inner hero by giving time to help people in our community. The City of Watertown proudly flew the American Red Cross flag in front of City Hall on Monday, March 3, 2014.

## **COMMUNICATIONS**

A letter was received from Deb Doyle, North Country Goes Green Irish Festival Committee inviting Council to participate in the 29<sup>th</sup> Annual St. Patrick's Day Parade on Sunday, March 16, 2014.

An email was received from [Media@fluoridealert.org](mailto:Media@fluoridealert.org) in opposition of the fluoridation of water.

**Above communication was placed on file in the office of the City Clerk.**

## **PRIVILEGE OF THE FLOOR**

No one spoke.

## **PUBLIC HEARING**

**At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning CDBG Citizen Participation Plan – Public Comment**

**Mayor Graham declared the hearing open at 7:30 p.m.**

No one spoke.

**Mayor Graham declared the hearing closed at 7:30 p.m.**

## **RESOLUTIONS**

**Resolution No. 1 - Approving Agreement for Flat Fee Use of Athletic Fields, Pop Warner Football League**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City of Watertown owns and operates numerous athletic fields throughout the City, and

WHEREAS the Pop Warner Football Association has expressed their desire to enter into an Agreement for Flat Fee Use of Athletic Fields for practice events, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facilities,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New

York that it hereby approves the Agreement for Flat Fee Use of various City-owned Athletic Fields at between the City of Watertown and the Pop Warner Football Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler, Jr.**

Prior to the vote on the foregoing resolution, Council Member Butler asked if there are any other organizations that use a flat fee.

Erin Gardner, Superintendent of Parks and Recreation said there were not. She added that Pop Warner had a flat fee agreement which was approved in June of last year and they asked that it be approved earlier this year due to budgetary reasons. She explained that it is the same as last year with an increase in price of 11%. She said that all of their practices are at North.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 2 - Accepting Bid for Dental and Vision Services, Relph Benefit Advisors**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Purchasing Department has advertised and received sealed bids for Dental and Vision Health Services for the City of Watertown's employees, per our specifications, and

WHEREAS invitations to bid were issued to nine (9) prospective brokers and insurance providers, with five (5) responses received and publicly opened and read in the City Purchasing Department on Friday, February 14, 2014, at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with a committee made up of Matthew Roy, Administrative Specialist, and Beth Morris, Confidential Assistant to the City Manager, and it is their recommendation that the City Council accept the bid submitted by Relph Benefit Advisors,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Relph Benefit Advisors as the best package for the City of Watertown employees, per our specifications, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, be authorized and directed to sign all contracts associated with implementing the award to Relph Benefit Advisors.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Council Member Butler asked if the City will be taking on any of these expenses.

Ms. Addison replied that the City will not absorb any of the costs and that Relph Benefit Advisors will administer the COBRA.

Council Member Butler asked if the package deal had to be linked with vision and dental.

Amy Pastuf, Purchasing Manager answered that they were. She noted that the insurance will remain with Guardian for both services. She explained that this allows the employees to keep their rollover money which some programs did not offer. She clarified that Relph Benefit Advisors is not the least expensive but the network coverage and fees to the City were considered as well. She confirmed that this is a one year contract with three consecutive one year options to renew.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 3 - Authorizing Supplemental Agreement No. 2 to Standard Federal Aid Highway And Marchiselli Aid Project Agreement, Factory Street Reconstruction, PIN 775315; D032467, Right-of-Way Incidentals and Acquisitions**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS a project for the reconstruction of Factory Street, PIN 775315, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the cost such program to be borne at the ratio of 80% Federal and 20% non-federal funds, and

WHEREAS the City of Watertown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering & Right-of-Way Incidentals and Acquisitions in the amount of \$70,500,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown authorizes the City Comptroller to pay in the first instance 100% of the federal and non-federal share of the costs of Right-of-Way Incidentals and Acquisitions for the project, and

BE IT FURTHER RESOLVED that the sum of \$70,500 is hereby appropriated from the City of Watertown Capital Budget and made available to cover the local cost of participation in the above phase of the Project, and

BE IT FURTHER RESOLVED that the City Comptroller is hereby authorized to pay in the first instance 100% of the federal and non-federal share of the costs of the Right-of-Way Incidentals and Acquisitions for the project in the amount of \$352,500 from an appropriation of the City of Watertown Capital Budget, and

BE IT FURTHER RESOLVED that in the event the full federal and non-federal share costs of the projects exceeds the amount appropriated above, the City Council of the City of Watertown shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Manager's Office, and

BE IT FURTHER RESOLVED that Mayor of the City of Watertown is hereby authorized and directed to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Watertown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding for the local

share of federal aid eligible Project costs and all Project costs within appropriations that are not eligible, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No. 2 to the Standard Federal Aid Highway and Marchiselli Aid Project Agreement, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

**Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Mayor Graham asked for an update on this project.

Kurt Hauk, City Engineer stated that the design approvals were received shortly after the holidays so he can now start the design process which is what Resolution 4 approves. He explained that Resolution 3 approves funding for the right-of-way acquisitions. He hoped to put this out to bid in December 2014 with construction starting in the spring of 2015.

**At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.**

**Resolution No. 4 - Authorizing Supplemental Agreement No. 2 to Professional Services Agreement for Design of the Factory Street Project, PIN 7753.15, AECOM**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS a project for the reconstruction of Factory Street, PIN 7753.15, D032467 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost of such project to be borne at the ratio of 80% Federal and 20% non-Federal funds, and

WHEREAS on April 19, 2010 and October 18, 2010, the City Council adopted resolutions authorizing the Master Federal Aid Local Agreement and the Marchiselli Agreement, respectively, which provide \$752,000 and \$141,000 respectively, for the costs of the Preliminary Engineering and Right-of-Way Incidentals, and

WHEREAS on November 21, 2012 the City Council of the City of Watertown approved a Professional Service Agreement between the City of Watertown and AECOM in the amount of \$612,000, and

WHEREAS on June 3, 2013 the City Council of the City of Watertown approved Supplemental Agreement No. 1 in the amount of \$284,000, and

WHEREAS Supplemental Agreement No.2 has been submitted for the Detailed Design, bidding and letting of the project for an additional cost of \$864,000, bringing the total design amount to \$1,760,000, and

WHEREAS there are currently \$940,000 in authorized State and Federal reimbursements available for the design of the project;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Supplemental Agreement No. 2 to the Professional Service Agreement between the City of Watertown and AECOM, a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that the approval of this resolution is contingent upon the City Council approving a Bond Ordinance to cover the expenses associated with this project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute this Agreement on behalf of the City of Watertown.

**Seconded by Council Member Stephen A. Jennings and carried with all voting yea.**

## **ORDINANCES**

**Ordinance No. 1 - Ordinance Amending the Ordinance Dated September 6, 2011, as Amended November 21, 2011, January 21, 2013 and July 1, 2013 Authorizing the Issuance of \$975,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Design for the Factory Street Reconstruction, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,200,000**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS, by ordinance dated September 6, 2011, as amended November 21, 2011, January 21, 2013 and July 1, 2013, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$975,000 bonds of said City to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$975,000, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid class of objects or purposes from \$975,000 to \$2,200,000, an increase of \$1,225,000 over that previously authorized, and to authorize the issuance of bonds sufficient to pay said estimated maximum cost;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted September 6, 2011, as amended November 21, 2011, January 21, 2013 and July 1, 2013, authorizing the issuance of \$975,000 bonds to pay the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a class of objects or purposes, at an estimated maximum cost of \$975,000, in and for the City of Watertown, Jefferson County, New York, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY THE COSTS OF THE DESIGN FOR THE FACTORY STREET RECONSTRUCTION, IN AND FOR SAID CITY.

“ . . . .

“Section 1. For the class of objects or purposes of paying the costs of the design for the Factory Street reconstruction, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$2,200,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$2,200,000 and that the plan for the financing thereof is by the issuance of the \$2,200,000 bonds of said City authorized to be issued pursuant to this bond ordinance; provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State or Federal aid or any other revenue received by the City from other sources for such class of objects or purposes.”

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

**Seconded by Council Member Stephen A. Jennings**

**Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof**

## **STAFF REPORTS**

### **Flower Memorial Library Masonry Restoration and Fountain Construction Project**

Council Member Macaluso requested that the cost figure be narrowed down from the estimate of \$12,000-\$28,000.

Ken Mix, Planning Coordinator said the cost is based on the time and materials that are used but it cannot be narrowed down much further until it is investigated more by pulling off the front panels. He explained that in order to stabilize it, they may need to pull off more of the higher fascia which is what

will increase the cost. He hopes that it can be done by only pulling off a small amount of the fascia. He confirmed that the Code Enforcement Office will not allow access to the front door until the soffit panels can be secured. He stressed that at this time they do not know what the soffits are attached to above.

Council Member Macaluso commented that the City has put too much into fixing the front of the building to not continue with it.

Council Member Burns asked why this was not identified earlier.

Mr. Mix responded that it was known before but the hope was to do the investigation in a different manner. He explained the original plan noting that it was discovered that it may cause more damage than good. He further explained the alternative method of trying to look at it from above.

Council Member Burns asked if this was an afterthought.

Mr. Mix remarked that it was not an afterthought and that they were hoping to do it by taking the soffit panels out. He said that after further discussion with Codes it is not acceptable to leave it in its current condition.

Council Member Burns stated that she will support this because of the amount of money that has already been put into this and she wants to maintain the building. She stressed that it is unfortunate that this extra money has to be spent but it would be crazy not to complete the project.

Council Member Butler asked if there are blueprints for the building.

Mr. Mix indicated that there are not any blueprints and answered that there are some steel I-beams above the soffits but they do not know the exact location of them. He explained that there is one piece of soffit per column.

Mayor Graham asked if another material could be used.

Mr. Mix stated that they have not looked at that approach and mentioned that there is an historical covenant on it as well. He explained that the weight of the material is probably what has caused the damage.

Council Member Butler said that he does not have a problem spending the money but he wants to make sure it is done without damaging the existing structures and that it is done right the way.

#### **Retirement of Deputy Clerk Elyse Frezzo**

Mayor Graham said that there is a report on the retirement of one of the current Deputy Clerks and that a revised job description was included. He asked when the position would be filled.

Ann Saunders, City Clerk responded that the ad for the position was recently placed and applications are starting to be received.



### **Hockey Franchise Rights**

Ms. Gardner explained that there are two different leagues interested in using the Fairgrounds Ice Arena. She said that she is working with the Purchasing Manager as well as Slye and Burrows to develop a list of requirements in order to put it out to bid.

Mayor Graham mentioned that there are a lot of qualitative issues when dealing with something like this and stressed that the City is familiar with the current tenants.

Ms. Gardner told Council that the North Atlantic Professional Hockey League is a newly formed league and there are no teams that have been announced yet. She advised that four teams will be announced in March and two more teams in April.

Council Member Macaluso asked if there is a chance that this could backfire if the new league does not come together. She said that it seems risky.

Ms. Gardner reiterated that they are coming up with a list of requirements to ensure that it is a valid request to use the arena.

Mayor Graham asked if she is happy with the relationship with the current team.

Ms. Gardner said that they are paying on time and the only problems are with security and a few fights that have occurred off the ice. She mentioned that she has had the police present at some games.

Council Member Butler asked if there was enough security in the building to handle those situations in a timely matter.

Ms. Gardner said that she increased security and the Privateers generally wait until the other team is in the locker room before they exit the ice.

Mayor Graham questioned the need for a bid because he thought this seemed unique.

Attorney Burrows clarified that some of the qualitative factors will be considered and the key is that the bid requirements should flush out some of the uncertainties.

Mayor Graham stressed that this is more subjective than buying widgets.

Attorney Burrows reassured Council that if there is a rational basis for the decision of rejecting a bid then it is allowed by law. He reiterated that there are a lot of important factors that the City Council would want to make sure are included in any bid requirements which would provide a level of protection to the City. He advised that with a franchise bid there are other factors that are considered and it is not simply based on price.

Council discussed past practice and Ms. Addison pointed out that the City was only approached by one entity in the past.

**The following reports were available for Council to review:**

**Sales Tax Revenue – January 2014**

**Letter from President Carole A. McCoy at Jefferson Community College**

## **NEW BUSINESS**

### **City Judge Appointments**

Council Member Butler noted that the City will have two full-time judges but one is elected and one is appointed by the Mayor.

Attorney Burrows stated that he has not reviewed this but he will look into it. He advised that if this was to change then it would take an act of State Legislation.

### **Library Security**

Mayor Graham mentioned that the library security is in place and asked for an update.

Barb Wheeler, Library Director told Council that the security guard started February 19<sup>th</sup> and that they are working out the issues. She noted that there is a language issue but she is working through it. She advised that there is one person that works 35 hours per week. She reported that this person is originally from the Bronx but is now living in this area.

### **Watertown Trust Annual Goals Meeting**

Mayor Graham said that Watertown Trust had a meeting to discuss various ways to facilitate things downtown with the commercial development.

**Motion was made by Council Member Roxanne M. Burns to move into Executive Session to discuss the proposed acquisition, sale or lease of real property when publicity would affect the value thereof and the employment history of a particular individual.**

**Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

Council moved into Executive Session at 7:42 p.m.

Council reconvened at 8:46 p.m.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:46 p.m. by motion of Council Member Stephen A. Jennings, seconded by Mayor Jeffrey E. Graham and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk